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March 19, 2002

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Art Unit 1651

Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Divisional Utility Patent Application
Appl. No. 09/606,314; Filed: June 29, 2000
For: **Dry Powder Cells and Cell Culture Reagents and Methods of
Production Thereof**
Inventors: Fike *et al.*
Our Ref: 0942.4290005/RWE/D-S

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Reply to Restriction Requirement; and
2. One (1) return postcard.

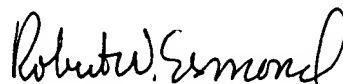
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
March 19, 2002
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert W. Esmond
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Registration No. 32,893

RWE/D-S/ayd

Enclosures

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Fike *et al.*

Appl. No. 09/606,314

Filed: June 29, 2000

For: **Dry Powder Cells and Cell
Culture Reagents and Methods of
Production Thereof**

Confirmation No. 1340

Art Unit: 1651

Examiner: Flood, Michele C.

Atty. Docket: 0942.4290005/RWE/D-S

Reply To Restriction Requirement

Commissioner for Patents
Washington, D.C. 20231

Sir:

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In reply to the Office Action dated **February 19, 2002**, requesting an election of one invention to prosecute in the above-referenced patent application, Applicant hereby provisionally elects to prosecute the invention of Group I, represented by claims 27, 36, 37, 39, 44-47, 70, 72 and 92-95. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

This election is made **with** traverse.

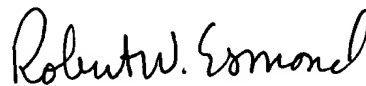
The base claim of Group II (claim 29) features the same limitations of the Group I base claim (claim 27) and the two Groups have commonly assigned claims (claims 36, 70 and 72 appear in both Group I and II). Thus, there is no undue burden on the Examiner to search and examine both Groups I and II. At the very least, if the base claim of Group I is found allowable, the Examiner faces no undue burden to rejoin and examine the claims of Group II.

Reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert W. Esmond
Attorney for Applicant
Registration No. 32,893

Date: March 19, 2002

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